

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

THOMAS CLARY,	HON. JEROME B. SIMANDLE
Petitioner,	Civil No. 10-4853 (JBS)
v.	Criminal No. 00-04 (JBS)
UNITED STATES OF AMERICA,	<u>ORDER</u>
Respondent.	

This matter having come before the Court upon the motion of Thomas Clary to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255; the Court having reviewed movant's submissions in support; for the reasons stated in the Memorandum Opinion of today's date; and for good cause shown;

IT IS this 28th day of **April, 2010** hereby

ORDERED that the Petitioner's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 is **DENIED** as untimely; and it is further

ORDERED that the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that no certificate of appealability shall issue.

s/ Jerome B. Simandle

JEROME B. SIMANDLE
United States District Judge